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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery at its seventeenth session

Chairman-Rapporteur: Mr. Awn Shawkat Al-Khasawneh

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I. ORGANIZATION OF THE SESSION

1. The Economic and Social Council, upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member working group to review developments in the field of the slave trade and the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Working Group was established, and since then it has held a session prior to each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988 the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

2. At its fortieth session, the Sub-Commission, in its resolution 1988/31, approved the programme of work of the Working Group for the period 1988/1991. This programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session, E/CN.4/Sub.2/1988/32) included three main themes to be discussed in successive years: prevention of the sale of children, of child prostitution and of child pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991). At its sixteenth session, the Working Group decided to devote its seventeenth session to an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters.

3. The Working Group held its seventeenth session from 4 to 13 May 1992. The Group held 11 meetings. The session was opened by the Under-Secretary-General for Human Rights, who made an introductory statement. At the 11th meeting the members of the Working Group adopted the present report.

4. In accordance with Sub-Commission decision 1991/119, the composition of the Working Group was as follows: Mr. A.S. Al-Khasawneh, Ms. M. Ferriol Echevarria, Ms. F.Z. Ksentini, Mr. I. Maxim and Ms. C. Palley. Mr. Maxim was delayed and participated from the 5th meeting.

Election of the Chairman-Rapporteur

5. At the 1st meeting, on 4 May 1992, Mr. Al-Khasawneh was elected Chairman-Rapporteur by acclamation.

II. ADOPTION OF THE AGENDA

6. At the 1st meeting, the Working Group had before it the provisional agenda for the seventeenth session (E/CN.4/Sub.2/AC.2/1992/1).

7. At the same meeting, Ms. Palley said that an item for the consideration of other urgent business should have been included in the agenda as established by the Working Group at its sixteenth session (see E/CN.4/Sub.2/1991/41, para. 168). Ms. Palley added that she would submit for the attention of the Working Group a document concerning torture of children. After a short discussion, the Working Group decided to consider that question under item 3. The Working Group then adopted the following agenda:

1. Election of officers.

2. Adoption of the agenda.

3. Review of information received on the status and the implementation of conventions on slavery and slavery-like practices.

4. Overall evaluation of the activities of the Working Group during its fourteenth, fifteenth and sixteenth sessions:

   (a) Prevention of sale of children, child prostitution and child pornography;

   (b) Eradication of the exploitation of child labour and debt bondage;

   (c) Prevention of traffic in persons and the exploitation of the prostitution of others.

5. Review of developments in other fields of contemporary forms of slavery, including:

   (a) Slavery and the slave trade;

   (b) Slavery-like practices of apartheid and colonialism;

   (c) Child soldiers;

   (d) Removal of organs from children for the purpose of commercial transplants.

6. Follow-up of recommendations adopted at the previous sessions.

7. Adoption of the report of the Working Group to the Sub-Commission.

III. REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

8. At the 10th meeting of the Working Group, Mr. Maxim, who had been appointed rapporteur for this issue by the Chairman-Rapporteur, presented an analysis of the information on the status and implementation of the slavery conventions submitted by States at the request of the Secretary-General.

9. Concerning the status of the conventions, as of 31 December 1991, 104 signatory States had ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and 61 signatory States had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The 1956 Supplementary Convention had not been ratified by three signatory States and the 1949 Convention by five signatory States.

10. During the previous five years only 59 submissions of information had been received. For the 1992 session of the Working Group only 12 Governments replied to the request of the Secretary-General concerning the status and implementation of the slavery conventions. Some States had submitted information twice.

11. In his analysis, Mr. Maxim took up consideration of information, sent since 1988, from the following countries: Algeria, Bahamas, Belgium, Bolivia, Brazil, Cameroon, Canada, Chad, Colombia, Cuba, Denmark, Ecuador, Finland, France, Greece, Madagascar, Malaysia, Mali, Malta, Mexico, Netherlands, Pakistan, Panama, Philippines, Portugal, Saudi Arabia, Spain, Turkey, Uruguay Venezuela and Yemen.

12. Mr. Maxim recalled that the United Nations bodies which had dealt with the issue of the abolition of slavery claimed that slavery could not be eliminated through mere programmes of abolition. Such an extremely complex phenomenon as slavery needed action both at the national and international levels. In that connection, since 1949 the Economic and Social Council, the Commission on Human Rights and the Sub-Commission had charged experts with the tasks of drafting reports, setting up studies and making inquiries on slavery and slavery-like practices. Specialized agencies and United Nations bodies, such as ILO, UNESCO, WHO and UNICEF, should be urged to submit regular reports to the Working Group on their activities in that field.

13. The revision of the 1926 and the 1956 Conventions could be useful but would take a long time. Alternatively, it was suggested that an optional protocol should be adopted. Mr. Maxim noted that if a procedure for regular submission of reports were accepted by States, a special body should be created, ex novo, with the purpose of examining the communications, because the mandate of the Working Group did not include such an issue. Mr. Maxim recalled that the Special Rapporteur on slavery, Mr. M. Awad, had suggested that an expert committee on slavery should be created. Ultimately, the feasibility of all those projects depended on the will of member States. In addition, action should be taken to persuade States which had not yet ratified the conventions on slavery to do so.

14. As far as the reinforcement of the role and functions of the Working Group was concerned, the establishment of a procedure such as the one adopted in resolution 1503, should prove effective. Moreover, the Working Group should recommend to the Sub-Commission that it appoint special rapporteurs on urgent matters and send investigating missions to those countries where there were gross violations of human rights in the area of contemporary forms of slavery. Mr. Maxim concluded by stating that the time was ripe for the Sub-Commission to examine in depth all those questions and to take action.

IV. OVERALL EVALUATION OF THE ACTIVITIES OF THE WORKING GROUP DURING ITS FOURTEENTH, FIFTEENTH AND SIXTEENTH SESSIONS

A. General

15. Agenda item 4 was discussed together with agenda item 5 at the 2nd to 10th meetings. Representatives of Anti-Slavery International, the International Abolitionist Federation, Soroptimist International, International Educational Development, Inc., Defence for Children International, the International Catholic Child Bureau and Mr. de Graaf Stichting took the floor, as well as representatives of the Governments of Brazil, Colombia, France, Germany, Haiti, India, Pakistan and Venezuela and the representatives of the International Labour Organisation and of INTERPOL.

16. With regard to the overall evaluation of the activities of the Working Group during its fourteenth, fifteenth and sixteenth sessions, nine non-governmental organizations presented a joint statement in which they noted that the three main facets of the Working Group were: (a) the bringing together of relevant information; (b) the discussion within the Group leading to conclusions and recommendations to the Sub-Commission; and (c) the dissemination of information. In addition, the representative of International Educational Development, Inc., emphasized the need for further standard-setting as well as monitoring of existing instruments. Constructive and fruitful dialogue were believed to be among the main factors on which the concept of the Working Group depended. It was, however, felt that there was lack of information from and participation of member States. Disappointment was expressed also at the low rate of participation of some of the specialized agencies, which in their programmes did not seem to take account of the widespread nature of contemporary forms of slavery.

17. The representative of Anti-Slavery International expressed the hope that with funds from the new United Nations Trust Fund on Contemporary Forms of Slavery, information and contributions from non-governmental organizations would improve.

18. Several participants stated that the proposal to expand the Working Group and to include other experts with specialized knowledge in the field of contemporary forms of slavery would give an added dimension to the Working Group.

19. Many participants felt that the appointment of a special rapporteur on the sale of children, child prostitution and child pornography was a major achievement in acknowledging some forms of contemporary forms of slavery. However, it was stressed that the physical presence of the Special Rapporteur at meetings of the Working Group would contribute largely to the work of both the Working Group and the Special Rapporteur.

20. Participants noted that so far the draft programme of action on the elimination of exploitation of child labour had not received much response from Governments. In that respect, it was repeated that specific objectives should be spelled out by which it would be possible to measure progress.

21. The representative of Anti-Slavery International welcomed new national legislation, such as the law on bonded labour of Pakistan and the Nepalese law on children's rights, as well as the forthcoming seminar on bonded labour in South Asia being organized by the International Labour Organisation.

22. The need for better coordination between the various programmes of the United Nations and its specialized agencies was repeatedly stressed. In that regard, the Working Group could be a focal point for information exchange and a forum for discussion.

23. The observer for the Holy See drew the attention of the Working Group to a speech made by Pope John Paul II at Gorée Island (Senegal) on 22 February 1992, on contemporary forms of slavery. He had presented an historical overview of the slavery practised in the past by the West, in accordance with the definition of slavery given by the 1926 and 1956 Conventions. As far as a possible convention against sexual abuse practised on children was concerned, the representative of the Holy See felt that, although all positive initiative should be encouraged, the Convention on the Rights of the Child already assured protection to childhood and that a new convention should be linked to conventions already existing.

24. The observer for the Holy See also recalled that the 1956 Convention, in its article 75, defined a slave as a person in a servile condition. Bearing that in mind, the Working Group should not lose sight of the essential point: the link that existed between certain practices and the definition of slavery in its thorough concept. More important than the law was the humanity, dignity and liberty of every human being. When slavery was practised it was not only a law which was violated, but the human being is his/her humanity.

25. During the meetings, members of the Working Group expressed their gratitude to all who contributed to its work. They expressed their concern at the widespread existence of contemporary forms of slavery and alarm at the lack of awareness of the general public and of national Governments of those practices. Ms. Ksentini suggested that the views of Governments should be sought to set up national bodies to prevent prostitution. She suggested that exploitation of the labour of migrant workers should be further looked into, as well as prostitution of migrant women and their protection. She was particularly concerned at the opinions expressed in paragraphs 58 and 59 of document E/CN.4/Sub.2/AC.2/1992/8 with respect to the right to self-determination to the effect that migrant women could use their bodies even in the sex market.

26. At the 10th meeting, Ms. Ksentini introduced a draft agenda for the next session of the Working Group. It was approved after a brief discussion.

27. At the 9th meeting, Ms. Palley made remarks concerning general issues relating to slavery. She noted that for a State to accept that slavery-like practices existed on their territory seemed to be equivalent to an admission of guilt. For that reason, States tended to whitewash the situation and to insist that everything possible was being done. Alternatively, States took the position that the global socio-economic system was such that States could not be expected to tackle slavery-like practices or that they were not

themselves responsible for them. She suggested that there was an element of truth in that idea. However, to adopt such attitudes was to misinterpret the functions of the Working Group, which were not of an accusatory kind. The aim of the Working Group was to become aware of the existence and the dimension of the problem, to discover how incidences could be mitigated and their continuance prevented. The Working Group worked with full acceptance that countries themselves were most anxious to tackle the problem. Ms. Palley said that all members of the Working Group acknowledged that those practices tended to occur in economic-social environments of deprivation and extreme poverty and that economic-cultural change took a long time. No cultural imperialism or inferiority were implied in the activities of the Working Group.

B. Prevention of the sale of children, child prostitution and child pornography

28. A representative of Anti-Slavery International reported on forced prostitution of women and girls in Brazil. She stated that in the last five years there had been increasing reports of "white slavery" and of a traffic in women and minors enticed from towns in the south of Para and Maranhao States to work in brothels near mining encampments and large civil construction projects. They were made promises of high wages in canteens and restaurants. Only upon their arrival did they find out that they were to work as prostitutes, to pay off transport costs and other debts, including their own "price", for which they had been sold by the intermediary to the brothel owner.

29. Since transport costs were high and the prostitutes rarely had access to the money earned, their freedom to leave was curtailed. There were even reports of physical coercion and that those who tried to flee were killed or tortured. The prostitutes lived in de facto captivity. A State deputy who repeatedly drew the attention of both State and federal authorities to those lawless practices, had been murdered. National attention had been drawn to the problem by a series of articles on child prostitution published in Brazilian newspapers. Following a public outcry, the federal police had raided a number of brothels in the region and had released the prostitutes, many of them as young as 15 years old.

30. A representative of the International Abolitionist Federation drew the attention of the Working Group to child prostitution, both of girls and boys in Brazil. In the estimation of the Federation, 10 per cent of the child population was involved in prostitution, selling their bodies to obtain material benefits. Child prostitutes suffered violence, rape and all forms of sexual abuse. According to lawyers working with girl prostitutes, the social reintegration of children of 12 years of age after six months of prostitution was practically impossible since they were psychologically dead.

31. According to the International Abolitionist Federation, prostitution of boys was also rapidly expanding in Brazil and mainly manifested itself in the bigger cities, where it enabled them to buy luxury goods or drugs.

32. In the view of the Federation, child prostitution was a direct result of family disintegration, caused by extreme poverty. The vast majority of child prostitutes in Brazil were black or mulattos.

33. Mention was also made of group sexual tourism in Brazil. Recife was well known for its child prostitutes who could be recognized by the one dollar note hanging around their necks.

34. At the 9th meeting, the observer for Brazil stated that information provided by non-governmental organizations was a valuable contribution to human rights protection and, as far as Brazil was concerned, the points raised would be looked into. He made reference to the report of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1). The Special Rapporteur had had the opportunity to visit Brazil and to evaluate the magnitude of the socio-economic difficulties, which could only be overcome by sustainable growth and development. He noted that the phenomenon of child prostitution was linked to demand and its transnational implications and recommended, inter alia, more effective law enforcement at the local level. In that connection, the need to enhance international cooperation should be given high priority.

35. The representative of the International Catholic Child Bureau said that the results of a survey of rehabilitation programmes for child victims of prostitution, published under the title "The sexual exploitation of children: field responses", was now available in both English and French. At a later date Spanish and Chinese versions would be published. The publication gave details of 50 programmes worldwide focusing on prevention, street work, residential care, counselling and advocacy. The projects offered a variety of services from educational and vocational training to legal services, foster care and drug abuse programmes.

36. What was needed now was a similar survey on regional and local programmes to develop a regional strategy on the sexual exploitation of children, including the question why some children at risk fell victim to prostitution and others who were exposed to the same risk factors, such as poverty, sex abuse in the family or alcoholism, did not.

37. A good example of a regional programme was the ECPAT campaign in Asia, which aimed at bringing together South and North. In Sri Lanka, for example, where child prostitution was a new phenomenon created and maintained by foreign tourists who brought in much desired foreign exchange, the phenomenon could not be erased by a local awareness campaign but should be complemented by a campaign in the countries that generated tourists of that kind.

38. The representative of Defence for Children International (DCI) brought to the attention of the Working Group incidents of trafficking and sale of children especially for the purpose of intercountry adoption throughout the world. DCI had noticed that that phenomenon was not a major concern in South and South-East Asia, nor in Africa or the Caribbean, but remained of widespread concern in Latin America and in East and Central Europe. While some countries, such as Romania and Albania, had taken steps to halt the large-scale trade in children for adoption from their countries, the demand for children from other countries, notably Poland and certain countries of the Commonwealth of Independent States, was growing rapidly and needed special attention.

39. At the preventive level, the organization was involved with the International Catholic Child Bureau, International Social Service and UNICEF in organizing a regional seminar to be held in Bulgaria in September 1992 to highlight in-country responses to abandoned children and to point out the risk of illicit practices in intercountry adoption.

40. The representative of Soroptimist International introduced their current Programme Focus which among other things concentrated on the use of awareness advocacy and action to eliminate all forms of child exploitation. Recently, 26 clubs in north-west England and the Isle of Man had started a project, concentrating on various forms of contemporary forms of slavery. They had made studies varying from the history of slavery from its beginnings in the ancient world of Egypt and Rome, to the sale of children in Thailand. In Thailand, they were identifying projects designed to prevent girls from becoming sex industry workers by encouraging them to remain at school and by providing a social and material environment in which that could be accomplished. Also, they were thinking of producing a leaflet in the United Kingdom to sensitize travellers to the trade they were promoting.

41. The representative of the International Criminal Police Organization (ICPO-INTERPOL) mentioned the First International Symposium relating to Offences against Children recently organized by ICPO-INTERPOL. During the symposium it had been concluded that (a) in all police action against children, the best interests of the child should be a primary consideration; (b) the approach to combating offences against children should be victim-oriented; and (c) all police initiatives in connection with offences against children should aim at multidisciplinary cooperation.

42. The Symposium had adopted specific recommendations on law enforcement measures relating to child pornography, international adoption, sex tourism, child prostitution and missing children. Further recommendations had been made in the field of statistics, prevention models, police structures, training of police officers, research priorities and victim assistance.

43. Two member countries of ICPO-INTERPOL had reported cases of contemporary forms of slavery during 1991. In Spain, a case was found relating to working conditions of a domestic servant. In Italy, reported cases of slavery of minors were said to have diminished. The representative of ICPO-INTERPOL underlined the need for further cooperation with the United Nations in matters relating to the prevention of crimes against children.

44. The observer for France made a statement concerning the prevention of child pornography. She referred to the services of the "Minitel Rose" which by law were accessible to all. However, under a private law agreement the suppliers of services were bound to observe moral codes, for the contravention of which they could be brought before a committee. Penal responsibility of suppliers of pornographic services had been sought by family associations. The previous year, the jurisprudence on that issue had been changed when an appeal court had passed a sentence condemning suppliers of "pink messages" for violating morals.

45. As far as the protection of minors was concerned, measures were taken through fiscal taxes imposed on suppliers of pornographic services. Also, a new bill of law had just been proposed to reconcile the principle of freedom of communication and the necessary protection of human dignity. On a practical level, efforts were being made to create technical impediments to gaining access to "pink messages".

46. At the 7th meeting, Ms. Palley informed the Working Group of the new law on sex tourism recently adopted by Germany. According to that law, it was considered an offence to have sexual relations with children anywhere. That measure should effectively deter sex-tourism because a German citizen could be pursued for having sexual relations with children in other countries than Germany. Ms. Palley added that all States should introduce controls on advertising for tourism containing references to sexual activities.

47. At the 10th meeting, Ms. Echevarria presented a thorough analysis of the procedures for the implementation of the Programme of Action on the Prevention of the sale of Children, Child Prostitution and Child Pornography.

48. In part I of its resolution 1992/74, the Commission on Human Rights had approved the Programme of Action. The Commission had requested all States periodically to inform the Sub-Commission on Prevention of Discrimination and Protection of Minorities of measures adopted to implement the Programme of Action and of the efficacy of such measures, and had also requested the Sub-Commission to submit to the Commission every two years a report on the status of implementation of the Programme of Action by all States. The Commission would accordingly consider every two years the implementation of the Programme of Action in order to assess progress achieved in the prevention and elimination of the problems of the sale of children, child prostitution and child pornography.

49. Ms. Echevarria recalled that the Commission had emphasized, in adopting resolution 1992/74, its deep concern at the existence, increase and generalization of the sale of children, child prostitution and child pornography, and the harm caused by the exploitation of children in its various manifestations: sale of children, child prostitution and child pornography all over the world, especially in the countries of the third world, where the prevailing economic and social factors prevented the full development of the society in which they were born and had to grow up. The Programme of Action would have to be implemented taking into account the economic imbalance between the industrialized States and the developing nations and the need to support the efforts of the developing countries in that respect. The follow-up to the Programme of Action should comprise two main phases:

(i) The Programme of Action should be brought to the attention of States, intergovernmental organizations and non-governmental organizations, which should report on the provisions existing in national legislation concerning the sale of children, child prostitution and child pornography. In drawing attention to the Programme of Action, emphasis should be placed on the concrete suggestions contained in the Programme;

(ii) Model guidelines should be formulated to serve as a basis for States, intergovernmental organizations and non-governmental organizations for reporting periodically on the implementation of the Programme of Action, and in particular as a means of making an assessment of the prevention and elimination of problems relating to the sale of children, child prostitution and child pornography. In addition, consultations might appropriately be held with the United Nations Secretariat, the Centre for Human Rights, the Centre for Social Development and Humanitarian Affairs, UNDP, UNHCR, UNICEF, ILO, UNESCO, WHO, the World Tourism Organization, INTERPOL, regional organizations and non-governmental organizations with a view to establishing machinery for genuine and effective coordination between all these agencies in order to guarantee the implementation of the Programme of Action.

50. Ms. Echevarria drew the attention of the Working Group to three final points:

(a) The proclamation of the World Day for the Abolition of Contemporary forms of Slavery was also a worthy undertaking;

(b) The secretariat should prepare for the next meeting of the Working Group the list of States parties and non-parties to ILO Convention No. 138;

(c) The World Tourism Organization should be requested to convene a meeting of experts for the purpose of formulating practical measures to combat sex tourism.

C. Eradication of the exploitation of child labour and debt bondage

51. A representative of Anti-Slavery International stated that her organization had received numerous reports over the previous two years of forced labour and debt bondage of workers in the Amazon region of Brazil. Those cases were not sporadic but rather formed part of the modus operandi of certain branches of economic activity.

52. The majority of the cases reported in 1991 concerned estates in Para and Mato Grosso where rural workers were said to be recruited from other States to take part in forest clearance. Promised adequate wages and conditions, upon arrival the workers were forced to work long hours to pay off all debts incurred for transport and food which was charged at prices several times higher than market rates. They were locked in a cycle of debt which they were never able to pay off. Often workers had no way of verifying how costs were calculated, nor did they receive cash in hand as wages were constantly held against debts run up at work canteens. In another example, concerning charcoal production in Sao Paulo, Minas Gerais and Bahia, workers were given production quotas. In order to meet these quotas, whole families, including small children, were employed in dirty and dangerous work. Gunmen were hired to guard working parties and there had been frequent reports of beatings, cruel, inhuman and degrading treatment and killings of workers trying to flee such conditions.

53. The dilatory action of police agents in investigating cases denounced or visiting estates to free those held on conditions of illegal subjection was of particular concern to Anti-Slavery International. Criminal proceedings, if taken, were taken only against gunmen and smaller subcontractors, while the banks and other large corporations benefiting from illegal practices would never feel the force of law.

54. The representative of Anti-Slavery International also expressed concern at inadequate labour inspection in rural areas of Brazil, following the merging of the labour and social security ministries in 1990, which had led to the abolition of regional labour stations, responsible for inspections and receiving labour complaints. It was hoped that with the newly reconstituted Ministry of Labour, the inspectorate would be strengthened again and that a systematic follow-up of denunciations of illegal coercive labour practices would be implemented.

55. The observer for Brazil said that his delegation had taken note of those serious allegations, which would be transmitted to the competent Brazilian authorities for further investigation and action. He added that in general such problems prevailing in rural areas stemmed ultimately from social and economic conditions and the agrarian structure. Recently, an ambitious agrarian reform programme had been launched, which, it was hoped, would lead to structural changes.

56. The representative of Soroptimist International stated that Soroptimists were studying the problem of bonded and child labour in India, estimated to involve as many as 10 million children. They also sponsored a rural community project working for the promotion of literacy and education with emphasis on the education of working children and children in bonded labour by preparing them for mainstream education.

57. A representative of the International Labour Organisation drew the attention of the members of the Working Group to the observations made by the Committee of Experts on the Application of Conventions and Recommendations during its 1992 session.

58. On the application of the Forced Labour Convention (No. 29), the following observations were particularly relevant to the work of the Working Group: the continued existence of forced labour, including that of children and debt bondage in Brazil; the situation in law and in practice of the abolition of bonded labour in India, including child bonded labour; the bill of law for the abolition of the bonded labour system in Pakistan; debt bondage in Peru; child slavery in Sudan; exploitation of children in Sri Lanka; and exploitation of children in Thailand.

59. On the Convention on the Abolition of Forced Labour (No. 105), the Committee had made observations regarding the position of Haitian workers in the Dominican Republic.

60. For many observations, the Committee had taken into consideration previous reports of the Working Group indicating the existence of contemporary forms of slavery in the countries concerned.

61. With regard to the multidisciplinary programme on the elimination of child labour, which had been planned for the period 1992-1993, one of the major aims would be the promotion of the ratification and application of Convention No. 138: Minimum age. More particularly the programme aimed at preventing children from undertaking dangerous work and at protecting the youngest and most vulnerable. Through an extrabudgetary fund, many other organizations, including non-governmental organizations would be involved in the campaign on the elimination of child labour.

62. At the 9th meeting, Ms. Palley directed inquiries to various countries about practices concerning the exploitation of child labour and forced labour using as a reference the report of the ILO Committee of Experts on the Application of Conventions and Recommendations (79th session, 1992) and some articles that had appeared recently in the press. Ms. Palley mentioned the following countries: Brazil, Dominican Republic, Haiti, India, Kuwait, Mauritania, Myanmar, Pakistan, Peru, Sri Lanka, Thailand. Brazil, Peru, Sri Lanka and Thailand were asked to furnish facts and statistics for the next session of the Sub-Commission. She recommended that: (a) the Sub-Commission should concern itself with human rights violations arising from mass expulsions; (b) the report of Mr. Bossuyt on slavery in Mauritania (E/CN.4/Sub.2/1987/27) should be updated.

63. The observer for the Islamic Republic of Pakistan stated that the principles recognizing the inherent dignity and the inalienable rights of the members of the citizenry were fully enshrined in the Constitution of Pakistan. Relating specifically to children, chapter 1, article 11.3 of the Constitution prohibited the exploitative use of children. The following legislative remedies dealt with the issues of (a) employment before the normal age of completion of primary schooling; (b) underage maid service; (c) night work; (d) work in dangerous or unhealthy conditions; (e) work concerned with trafficking in and production of illicit drugs; and (f) work involving degrading or cruel treatment:

(i) The Children (Pledging of Labour) Act, 1973;

(ii) The Factories Act, 1934;

(iii) The West Pakistan Shop and Establishments Ordinance 1969.

64. The Employment of Children Act, 1938 had recently been replaced by an important and far-reaching Act of the national Parliament called the Children Employment Act, 1991, which was specifically aimed at improving the situation of working children and was another step towards realizing the goals set forth in the Convention on the Rights of the Child. The following articles of the Pakistan Penal Code provided penalties for kidnapping, seduction and exploitation of children: 363, 364-A, 366-A, 366-B, 367 and 369.

65. With regard to contemporary forms of slavery, the Constitution of Pakistan affords full protection to all its citizens including children, through its article 11.1 and 11.2. Penalties in that respect had been provided for in articles 370 PPc and 374 PPc making slavery in all its forms a completely unacceptable practice in Pakistan.

66. Concerning the statutory provisions concerning bonded labour, the National Assembly of Pakistan in February 1992 had passed a bill providing for the abolition of the bonded labour system. According to the bill, which was in the process of being promulgated, any person found exacting bonded labour would be liable to be punished with imprisonment and fines. For monitoring implementation, vigilance committees would be formed comprising elected representatives of the people, leaders of public opinion, lawyers, representatives of district administration, social services and labour departments of the provincial and federal governments.

67. A task force had been established in the Special Education and Social Welfare Division and in the Division of Planning and Development to prepare a National Plan of Action in accordance with the decision of the World Summit for Children and the Convention on the Rights of the Child.

68. The observer for India made a statement concerning child labour and bonded labour. Significant efforts towards the elimination of those problems have been taken since Independence. The 1976 Bonded Labour System Abolition Act extinguished the liabilities of bonded labourers and made offences covered by the Act punishable. While the problem was tackled legislatively by the executive, central and State government apparatus was responsible for administrative action. The system consisted of a three-stage process: 1. indemnification; 2. release; 3. rehabilitation. The approach adopted depended on local conditions: 1. orientated to landholding to give away available land; 2. semi-occupational, pastoral, animal husbandry; 3. orientational skills, crafts for self-sufficiency. That system, which had proved effective, was buttressed by review and monitoring at the district level.

69. With regard to child labour, the approach of the Government of India was linked to its anti-poverty programmes to help those below the poverty-line to achieve adequate incomes and to create more productive employment. The Child Labour Prohibition and Regulatory Act of 1986 regulated the working conditions of children and prohibited the employment of children in specified processes and occupations. The Government consulted the Child Labour Technical Advisory Committee and took action on its advice. The Child Labour Policy (1987) was aimed at the rehabilitation of children withdrawn from prohibited employment, through educational and vocational training, supplementary nutrition and health care. In connection with rehabilitation, the representative of India outlined various programmes which had been set up: 114 schools sanctioned (6-7,000 children); voluntary organizations giving assistance for projects; under the eighth five-year plan, eight projects grants and aid were being given for welfare work with children.

70. The observer for Haiti said that the previous year several thousand Haitian citizens had been expelled by a neighbouring country in which they had worked. He also said that return to the constitutional order would guarantee the respect and the promotion of human rights, which were amorg the main priorities of the governmental programmes of President Jean-Bertrand Aristide.

D. Prevention of traffic in persons and the exploitation of the prostitution of others

71. A representative of the International Abolitionist Federation who also spoke on behalf of the Coalition against Trafficking in Women and the Korean Council for Women Drafted for Sexual Service by Japan drew the attention of the members of the Working Group to the problem of traffic in persons and the exploitation of prostitution of adults and children of both sexes. In her view, those phenomena had accelerated to an alarming proportion and, while not new, had become more complicated in today's world. They had become lucrative sources of income for those who indulged in such criminal operations, the impact of which transcended national boundaries through "money laundering", which gave incentive to traffickers to operate on an international scale. Most countries had tried to contain traffic, prostitution and related crimes over the centuries, mostly focusing on control and repression. It was now time for a pragmatic and realistic approach. Governments and the international community should accept ethical and political priorities and strategies should be promoted to prevent such crimes.

72. Industrialized prostitution, such as sex tourism and mail order brides, had taken the form of multinational conglomerates specializing in producing packages of sexual services. Entire villages in Thailand, the Philippines and other South-East Asian countries had been turned into centres for prostitution tourism for military and businessmen. Women in the migration process, refugee women and children, women working in free trade zones and internally displaced persons were among the groups most vulnerable to prostitution and sexual exploitation.

73. In the West a powerful pro-prostitution lobby that had vested economic interests in promoting prostitution and related sex industries had rendered invisible the victimization of Western women by prostitution by promoting State policy that legitimized prostitution and nullified laws on pimping. Some Governments believed that by accepting prostitution as any other profession and by legalizing brothels the exploitation of prostitution could be eliminated and the AIDS virus overcome.

74. A representative of the International Abolitionist Federation (IAF) expressed the view of her organization that prostitution violated fundamental human rights and reduced a person to the level of a commodity. It robbed people of their self-esteem and denied respect of others. It subordinated women and made the gender gap even wider. Women's rights had been established universally and protection of those rights had to be extended to all women in prostitution including: the right to a decent standard of living and to work that did not dehumanize, the right to custody of one's children, the right to protection from sexually transmitted diseases, the right to a private life as well as freedom from ostracism for being a prostitute. However, the pro-prostitution lobby subordinated those rights by making paramount the "right to prostitution", which was represented as a woman's choice.

75. Another representative of IAF reflected on the ethics of prostitution. His organization was thinking of seeking the advice of the National Ethical Commission of France on the question of whether human sexuality could be considered as an intangible right, and not be subjected to commercialization.

76. The representative of Mr. de Graaf Stichting described the work of his organization, which was working on the topic of prostitution through research, documentation, policy-development, public information as well as stimulation of projects of social assistance to (ex) prostitutes. Its director, Dr. Brussa, had written a report for the Seminar on Action against Traffic in Women and Forced Prostitution, organized by the Council of Europe in September 1991. The report dealt with the social, economic, ideological and judicial developments in the twentieth century with regard to prostitution, migration and traffic in women. During the last few decades, the prostitution market had become more and more internationalized. Urbanization and industrialization in developing countries had changed their social structure which had led to migration to the developed countries. In her report, Dr. Brussa had reviewed the ways in which Governments had tried to suppress the traffic in women and forced prostitution and had concluded that they had had few positive effects. Prostitution was a free market in which authorities seldom intervened.

77. In the view of the foundation, structural solutions should be promoted, both in the Western world and in the home countries of women who were being trafficked. Also, measures should be taken to empower women who should be given the possibility of self-determination. The speaker referred lastly to a WHO document containing a consensus statement from the consultation on HIV epidemiology and prostitution (WHO/GPA/INF.11, Geneva, 3-6 July 1991), in which, inter alia, social and legal restrictions on prostitution were considered as counterproductive in efforts to slow down the AIDS epidemic.

78. A representative of IAF stated that the "right to prostitution" should be questioned. Prostitution should be considered as an evil similar to alcoholism. Abolition of prostitution was a policy aimed at developing strategies to attack the deep socio-economic causes of prostitution, such as urbanization and migration. Developed countries should concentrate on developing the standard of living of people in poorer countries. International financial institutions should change their policies so that poor countries, relieved of their debt burden, would no longer need to export their people or to import undesirable tourists.

79. The same speaker drew the attention of the Working Group to the importance of social services for the prevention of prostitution and the reintegration of persons engaged in prostitution. Such services could, however, only be offered in developed countries where the authorities could allocate funds to carry out such programmes. Social services were offered at the physical and psychological level to attend to the loss of self-esteem caused by the denial of the body, as well as at the social and relational level where the process of isolation was addressed. In general, it could be stated that the longer the period of prostitution had been, the longer the process of reintegration took.

80. IAF had drawn up a report on the reintegration and rehabilitation of persons wishing to give up prostitution, putting forward a number of concrete proposals which would assist such persons, for example, concerning settlement of tax debts and adequate access to the labour market.

81. The participants at the Working Group were moved by the painful testimony of a mother whose daughter had been kidnapped a few years previously and had not yet been found. The members of the Working Group decided to include the question of disappearances linked to contemporary forms of slavery in the provisional agenda for the next session of the Working Group, as well as in the recommendations adopted at the current session.

V. REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

A. Slavery and the slave trade

82. At the 2nd meeting, the representative of Anti-Slavery International stated that, despite repeated condemnation by her organization and other international human rights organizations, the brutal practice of the Myanmar army of forcibly conscripting civilians as unpaid labourers to carry arms and supplies into dangerous front-line war zones has increased over the past year. During 1991-1992 hundreds of porters had escaped over the border to Bangladesh, China and Thailand, with consistent allegations of the kidnapping and enforced slavery of tens of thousands of citizens of Myanmar.

83. In the past forced labour, extrajudicial executions and other such gross abuses of human rights had often been regarded as part of a general campaign of repression against the Karens, the Kachins, the Mons and other restive ethnic minorities in Myanmar. In the past year those tactics had been turned against the Muslims of Arakan. Over 200,000 refugees have fled across the border into Bangladesh.

84. Myanmar had ratified several relevant international instruments, such as the Convention No. 105 of the International Labour Organisation concerning the aboltion of forced labour and, more recently, the Convention on the Rights of the Child. It was clear to Anti-Slavery International that the Government of Myanmar was acting in contravention of those international obligations and violating the most basic human rights of many thousands of people, often members of minority ethnic groups.

85. At the 2nd meeting, the representative of Soroptimist International said that over the past 18 months reports had appeared about the ill-treatment of foreign domestic servants brought into the United Kingdom by rich foreigners who had come there to live or on holiday. Unlike immigrants with work permits who came from choice, those women were illegal immigrants with no contacts and were "imprisoned" by their employers. Recently, regulations had been tightened up to try to prevent abuse.

86. At the 3rd meeting, the representative of International Educational Development (IED) raised the issue of Korean girls and women abducted or compulsorily displaced by the Japanese imperial forces during the Second World War for use as sex slaves. They numbered as many as some 200,000. Some 1.5 million Korean men had been abducted or compulsorily displaced to Japan and enslaved there for the hardest works by the Japanese Government during the war. In view of the gravity of that type of offence, which had been identified as a crime against humanity, there should be some international forum to which cases should be brought and in which the parties could seek mediation/arbitration and settlement.

87. According to the representative of IED, Japan had been claiming that the issue had been solved by an agreement between Japan and the Republic of Korea and that no individual Korean had any legal right to claim any compensation against Japan. His organization considered that neither Government had any legal capacity to nullify the human rights of any individuals because the Governments and the individual victims were different entities. Human rights were inalienable. Claims for restitution, compensation and rehabilitation were part of the human rights of the victims of any violation of human rights. Furthermore, IED believed that violation of the human rights protected by the Forced Labour Convention (ILO Convention No. 29) of 1930, ratified by Japan in 1932 and which took effect for Japan in 1933, was another ground for compensation. Considering the nature of the damage and the ages of the victims, the representative of IED requested the Working Group to take the necessary steps to solve the cases of victims enslaved by the Japanese imperial forces, in particular "comfort women" and to request the Sub-Commission to adopt a resolution on that issue.

88. At the 3rd meeting, a representative of the International Abolitionist Federation stated that, during the period 1937-1945, the Japanese army had abducted over 100,000 young Korean girls and women, between the ages of 17 and 20, and sent them throughout the Pacific to service sexually an average of 30 to 40 soldiers per day. Accounts by survivors, now in their seventies, revealed that the young women had been beaten and tortured into submission, and while imprisoned as prostitutes had been subjected to gross violations of their human integrity and dignity through repeated rape. The women had been deprived of their identities by first being given Japanese first names and ultimately being identified only by a number. Many had died and those who had survived were traumatized and stigmatized for the rest of their lives. The Coalition Against Trafficking in Women and the International Abolitionst Federation supported the appeal initiated by the Korean Council for Women Drafted for Sexual Service by Japan, and its requests to the Commission on Human Rights to investigate the Japanese atrocities committed against Korean women during the Second World War and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to help press the Government of Japan to pay damages to individual women who had filed suit in Japan.

89. The observer for the Democratic People's Republic of Korea took the floor to support the views expressed by the representatives of the International Educational Development and Anti-Slavery International concerning the Korean girls and women forced to serve as "comfort girls" for the Japanese Imperial Army during the Second World War. The Working Group and other relevant human rights organs were asked to pay due attention to that matter and to take action. Public awareness needed to be raised in order to prevent similar kinds of crimes by any country in the future. His country supported the measures demanded by IED and was ready to cooperate with any other non-governmental organization or United Nations body on the matter.

90. At the 4th meeting, the observer for Japan stated that Prime Minister Kiichi Miyazawa had acknowledged the involvement of the Japanese Imperial Army in the matter of "comfort women" and had expressed his sincere apology and remorse during his visit to the Republic of Korea in January 1992. The Japanese people fully shared those sentiments.

91. As the observer for Japan had already stated at the last session of the Commission on Human Rights with regard to the question of compensation, judicial process was under way concerning claims from individuals for compensation. Therefore, the Government of Japan was not in a position to make any comment at the current juncture, but would devote itself to further investigation of the matter.

92. At the 3rd meeting, the representative of IED drew the attention of the Working Group to a study made by a researcher at the Hoover Institution of Stanford University on detention facilities in the People's Republic of China. The researcher estimated the total number of labour reform camps to be between 3,000 and 4,000. They contained three types of convicts: those sentenced to labour reform, those being re-educated through labour and forced job placement personnel. He had visited 20 labour reform camps in November 1991 and estimated the global population of detention facilities in the country to be between 12 to 16 million inmates. In his view, all prison enterprises in China had two identities: one named as a reform-through-labour detachment or person, and one named as a production unit. This was done in order to hide the real nature of the enterprise from foreign businessmen, who might be unwilling to deal with products made by forced labour.

93. At the 7th meeting, the observer for the People's Republic of China made a statement to clarify the situation of detention facilities, in reference to the speech made by the representative of IED at the 3rd meeting. There were 680 prisons and reform institutions in China and the global number of inmates was 1.1 million. The detention system was aimed first at punishing, and second, re-educating criminals. Inmates learnt skills for which they received certificates, to help reintegrate them more easily into society. The moral and technical education provided was seen to be effective. At the end of 1990, 720,000 certificates for completing courses up to the college level had been awarded to prisoners; 510,000 inmates were attending various technical training courses and 398,000 had received certificates for technical qualifications. Those facts clearly indicated that in China forced labour did not exist and the crime rate, 0.99 per cent, was quite low compared with other countries.

94. Ms. Palley noted that the People's Republic of China had not acceded to certain ILO conventions, namely: Convention 29 on forced labour, Convention 81 on labour inspection and Convention 105 on forced labour for political prisoners. She remarked that political prisoners were usually educated and therefore did not need retraining of the sort described by the representative of the People's Republic of China. The latter said that he was not a legal expert and that consequently he was unable to say more.

95. In reply to Ms. Palley's statement at the 9th meeting, the observer for Kuwait said that cases of forced labour or similar abuses of resident foreign workers were very rare and were firmly condemned by the Government of Kuwait. Some incidents of that kind were portrayed in the media as something that was happening to almost all workers. Thousands of Asian workers had gone back to Kuwait after the liberation and thousands were applying to Kuwaiti embassies hoping to do so.

B. Slavery-like practices of apartheid and colonialism

96. At the 5th meeting, the representative of the World Federation of Methodist Women stated that since January 1992 over 200 people had been killed in political violence in South Africa. The signing of the National Peace Accord had brought little if any relief to strife-torn areas, in particular to the Natal area. The cruel legacy of apartheid was evident in the destablilization of black communities and the breakdown of family life as a result of the migrant system, the overwhelming shortage of low-cost urban housing, the neglect of primary health care and the chaos in black education.

97. "Aid for children in crisis" had been established by South African Methodist Women in Durban in 1985 to deal with the violence created by the state of emergency and was still providing assistance, short- and long-term, to the trauma-ridden victims of the new violence.

C. Child soldiers

98. Consideration of the issue was postponed because of lack of information. However, the question of child soldiers was included in the provisional agenda for the eighteenth session of the Working Group as item 5 (e) (see annex II).

D. Removal of organs from children for the purpose of commercial transplants

99. At the 6th meeting, the representative of ICPO-INTERPOL stated that the Secretary-General of ICPO-INTERPOL had received informtion from the National Central Bureaux in Uruguay and Brazil that police of those countries were currently investigating a case of illegal organ transplants and trafficking in organs. Apart from that report, the General Secretariat had not received any report on illegal organ transplants.

100. The representative of the International Abolitionist Federation drew the attention of the Working Group to an article by Dick Ward, entitled "The black market in body parts", published in CJ International (vol. 7, No. 5, Sept.-Oct. 1991).

101. At the 7th meeting, the representative of the International Association of Democratic Lawyers said that it was increasingly difficult to obtain reliable information on the traffic of organs, particularly concerning children, because of its links with criminal organizations.

102. Another member of the organization reported on cases and rumours of trafficking in organs in Latin America. In almost all the Latin American countries, official inquiries were under way. Those inquiries rarely ended with a prosecution because witnesses and evidence disappeared quickly. The most requested and easy to find organs were kidneys and corneas. The victims of that odious traffic were kidnapped. Those later found still alive were often under the effects of heavy drugs which prevent them from remembering the events. Their names were usually not known because the victims and their families are afraid of possible retaliation by the traffickers.

103. According to the representative of IADL, thousands of children adopted in developed countries were traded for the purpose of organ transplantation. The traffic was so profitable that criminal organizations, such as narco-traffickers, were involved in the sale of children. In view of the increase in information that might prove the existence of traffic of organs taken from destitute children in Latin America, IADL recommended: that the Working Group put pressure on the Governments concerned in order to ensure completion and follow-up of the inquiries taking place in Argentina, Colombia and Uruguay and into the disappearance of 3,000 children in Peru. IADL also recommended that an inquiry be made by the United Nations mandated by the international community, to find out the full truth about the existence of that traffic which involves (a) enforced or involuntary disappearances and (b) impunity, which destroyed the international system of protection of human rights and therefore of the rights of the child. Lastly, IADL recommended that WHO and INTERPOL contribute to the research by giving information and that the traffic in organs be maintained on the agenda of the Working Group as a separate item.

104. At the 9th meeting, the observer for Mexico replied to the statement made at the 7th meeting by a representative of the International Association of Democratic Lawyers on the question of the alleged trade and trafficking in, and illegal transplants of, organs of minors in Mexico. In Mexico there existed a modern and adequate legislative framework for the donation of organs. The General Health Act had established the parameters for the disposal of organs throughout the national territory. Mexican legislation prohibited the use of child donors and established a penalty of imprisonment for persons who engaged in transplant procedures using organs of children or who engaged in trade or trafficking in organs or tissues. Blood and bone marrow also required special authorization from the Secretariat of Health for their transfrontier disposal or transport, either at the time of import or export.

105. In accordance with national legislation, a national register of transplants had been estalished in Mexico to coordinate the distribution of organs. It exercised close supervision of persons donating and receiving organs. The donation and distribution of organs, in accordance with national legislation, were free of charge. The process of supervision of the scrupulous enforcement of the legislation on the disposal of organs and tissues for transplant purposes was an ongoing effort. The Government of Mexico had conducted a careful investigation at the federal level and had found no evidence of the existence of organ trafficking. Moroever, the Government was entirely willing to continue its investigations and, if offences were found to have been committed and there was sufficient evidence to back that conclusion, it would try any persons suspected and would punish them if they were found guilty.

VI. FOLLOW-UP OF RECOMMENDATIONS ADOPTED AT PREVIOUS SESSIONS

106. At the 10th meeting, the Working Group reviewed the recommendations adopted at its previous session, as contained in paragraphs 117 to 170 of the report on its sixteenth session (E/CN.4/Sub.2/1991/41).

107. The recommendations contained in paragraphs 117 to 123 of the 1991 report of the Working Group were of a general character. With regard to recommendation 124, the Working Group welcomed the adoption of General Assembly resolution 46/122 relating to the creation of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

108. The follow-up of the recommendations contained in paragraphs 125 to 132 concerning the prevention of the traffic in persons and the exploitation of the prostitution of others was considered satisfactory. In its resolution 1992/36, the Commission on Human Rights had endorsed the views expressed by the Sub-Commission on the need to launch a concerted programme of action to combat traffic in persons and the exploitation of the prostitution of others and had decided to transmit the draft programme of action, as contained in the last report (E/CN.4/Sub.2/1991/41, annex I), to Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, for their comments.

109. The follow-up of the recommendations contained in paragraphs 133 to 137 was considered satisfactory. Although the Special Rapporteur on the sale of children, Mr. Vitit Muntarbhorn was unable to participate in the seventeenth session of the Working Group, or the previous sessions, the Working Group expressed its appreciation to the Special Rapporteur for his report and welcomed the decision of the Commission on Human Rights to extend his mandate for a further three-year period.

110. As far as removal of organs from children was concerned (paras. 138-141 of the 1991 report), the Working Group felt that that odious practice needed to be investigated in more depth and to be discussed further in the next sessions of the Working Group. Since no progress had been made in the drafting of the report mentioned in paragraph 140, the Working Group reiterated the recommendation contained in that paragraph that the Secretary-General request relevant agencies and non-governmental organizations for information on that issue.

111. The follow-up to recommendations contained in paragraphs 142 to 145 of document E/CN.4/Sub.2/1991/41 concerning the draft programme of action on the sale of children, child prostitution and child pornography must be considered satisfactory because the Commission on Human Rights, by its resolution 1992/74 adopted the programme, the application of which would be evaluated by the Sub-Commission every two years.

112. The follow-up of recommendations contained in paragraphs 146 and 147 concerning child labour were considered satisfactory. The question of debt bondage should be deferred to future sessions. The Working Group welcomed the decision of ILO to hold a workshop on bonded labour in the next few months.

113. With regard to the slavery-like practices of apartheid and colonialism, the Working Group felt that the recommendations contained in paragraphs 152 and 153 should be reiterated. Consideration of the questions of child soldiers was postponed because of scarcity of information. However, the Working Group recalled its request to the Secretary-General for an updated report on the recruitment of children into government and non-governmental armed forces, in compliance with paragraph 13 of Sub-Commission resolution 1991/34.

114. The follow-up of recommendations contained in paragraphs 157 to 162 on machinery for monitoring the international slavery conventions was considered generally satisfactory, but the Working Group thought that the coordination (para. 157) between the Working Group and other concerned United Nations bodies should be reinforced. With regard to the study of ways and means of strengthening the machinery for monitoring the implementation of slavery conventions, the members of the Working Group decided to continue study on this issue in order to give effect to paragraph 6 of Commission on Human Rights resolution 1992/47.

115. With regard to recommendations contained in paragraphs 164 to 167 concerning reservations to the Convention on the Elimination of All Forms of Discrimination against Women, the Sub-Commission had decided, in its decision 1991/115, to suspend consideration of the question.

116. The recommendations contained in paragraphs 168 and 169 were of a general character and their implementation was considered satisfactory.

117. Regarding the request to the Sub-Commission to assign to the Working Group a full-time Professional staff member of the Centre for Human Rights to work on a permanent basis on contemporary forms of slavery, the members of the Working Group, in the light of the establishment of the Voluntary Trust Fund on Contemporary Forms of Slavery, firmly reiterated that request, which should be urgently satisfied.

VII. RECOMMENDATIONS ADOPTED AT THE SEVENTEENTH SESSION

General considerations

118. A review of the information provided to the Working Group and of the problems brought to its attention showed that, despite the progress made in the protection of human rights and the preservation of human dignity, all over the world various forms of slavery still existed. Emphasis was placed on the large number of disppearances, particularly of children, problems relating to prostitution, drug trafficking and money laundering, incest, and institutionalized sexual violence. Emphasis was also placed on the need for specific objectives and remedies, in particular the possibility of reparation and compensation.

119. The Working Group stressed yet again that the main cause of contemporary forms of slavery was poverty. However, poverty could not justify their persistence.

120. The Working Group reiterated its call for effective action to achieve the total elimination of apartheid and to assist its victims.

121. The Working Group also expressed the hope that the end of the twentieth century would coincide with the eradication of all forms of slavery affecting particularly vulnerable groups of individuals, such as migrants, refugees, disabled people, detainees and prostitutes.

122. The Working Group welcomed with satisfaction the establishment of the Committee on the Rights of the Child, which could generate a permanent dialogue involving all parties concerned with the promotion of children's rights. The Group noted with satisfaction that, as at 16 December 1991, 96 States had ratified the Convention and called upon States which had not yet done so to ratify the Convention promptly and implement it effectively.

123. Working Group called again for the effective implementation of the 10-point programme of the World Declaration on the Survival, Protection and Development of Children, adopted by the World Summit for Children on 30 September 1990.

124. The Working Group expressed its satisfaction at the forthcoming convening of the World Conference on Human Rights, particularly taking into account the goals of that Conference, established in General Assembly resolution 45/155 of 18 December 1990. Given the utmost importance of the issues related to contemporary forms of slavery, the Group expressed the hope that those issues would be extensively discussed at the World Conference, as well as the recommendations made by the Commission on Human Rights in its resolution 1991/30.

Recommendations

General

The Working Group on Contemporary Forms of Slavery,

Having devoted its seventeenth session to an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters, the Working Group expresses its gratitude to all participants for information relating to traffic in persons and exploitation of the prostitution of others, sale of children, child prostitution and child pornography, exploitation of child labour, debt bondage and the slavery-like practices of apartheid and colonialism,

Considers that slavery, in its various forms is a crime against humanity and contrary to jus cogens rules of international customary law;

Calls upon all United Nations specialized agencies to cooperate with the Working Group and to coordinate their activities in seeking an integrated approach to the various problems in the field of slavery and the slave trade, including slavery-like practices in all their manifestations, and of traffic in persons and exploitation of the prostitution of others, all of which problems of the Working Group is entrusted with reviewing under the terms of its mandate pursuant to Economic and Social Council decision 16 (LVI);

Welcomes the active cooperation at its seventeenth session of the International Labour Organisation and the International Criminal Police Organization (INTERPOL) through the attendance of their representatives and, recalling Commission on Human Rights resolutions 1984/40 and 1986/34, urges all relevant United Nations bodies and specialized agencies to participate actively in the work of the Working Group, and, in particular, to be represented at its eighteenth and future sessions;

Considers that an effective measure to assist in protecting the rights of those suffering from contemporary forms of slavery would be to strengthen the Working Group by drawing upon the expertise of, and improving coordination and cooperation between, different United Nations bodies and organs dealing with contemporary forms of slavery issues;

Requests the Secretary-General to schedule periods of consultations of the Special Rapporter on the sale of children at the Centre for Human Rights to coincide with the future sessions of the Working Group, and, if this cannot be arranged, requests the presence at those sessions of the officer of the Centre for Human Rights who assists the Special Rapporteur;

Requests the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms to collaborate with the Working Group, to make recommendations especially in connection with contemporary forms of slavery and to take into account the need for moral compensation for victims of the slave trade and other early forms of slavery;

Requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that similar awareness be promoted by the Department of Public Information of the Secretariat;

Recommends to the Sub-Commission the adoption of the draft decision in annex I containing the revised draft programme of action for the elimination of the exploitation of child labour.

Sale of children, child prostitution and child pornography

(a) Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

The Working Group on Contemporary Forms of Slavery,

Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur, Mr. Vitit Muntarbhorn, for a further three-year period, while maintaining the annual reporting cycle;

Takes note of the information on these problems supplied by the participants at its seventeenth session and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to his mandate;

Requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to issues relating to trafficking in children, such as organ transplantation, the use of children's bodily products, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation, child prostitution and the involvement of children in armed conflicts;

Invites the Special Rapporteur to participate in the eighteenth session of the Working Group, bearing in mind the close relationship between his mandate and the work of the Working Group.

(b) Removal of organs from children

The Working Group on Contemporary Forms of Slavery

Concerned at information alleging that children are victims of, or are even killed for, the removal of organs for the purpose of commercial transplants,

Noting that some Governments and intergovernmental institutions have instituted measures to investigate this phenomenon,

Requests the Secretary-General to invite all Governments, the United Nations institutions, including UNICEF, the specialized agencies, in particular WHO, ICPO-INTERPOL and all relevant non-governmental organizations to pursue their investigation of these allegations and to indicate any measures taken to counteract this practice wherever it exists, with a view to presenting a report to the next session of the Working Group;

Decides to examine this matter at its eighteenth session as a separate sub-item under item 5 of its agenda.

(c) Programme of Action for the prevention of the sale of children, child prostitution and child pornography

The Working Group on Contemporary Forms of Slavery,

Takes note with satisfaction of Commission on Human Rights resolution 1992/74 adopting the Programme of Action for the prevention of the sale of children, child prostitution and child pornography;

Having considered the information submitted by States, specialized agencies and non-governmental organizations interested in the matter;

Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action;

Decides in accordance with Commission on Human Rights resolution 1992/74 to examine the state of implementation of the Programme at its eighteenth session and to transmit through the Sub-Commission a report thereon to the Commission.

Eradication of the exploitation of child labour

The Working Group on Contemporary Forms of Slavery,

Having taken note of Commission on Human Rights resolution 1991/55 in which the Commission decided to transmit the draft programme for the elimination of the exploitation of child labour to Governments, the specialized agencies and intergovernmental and non-governmental organizations for their comments,

Having considered the information submitted by States, specialized agencies and non-governmental organizations interested in the matter and the report of the Secretary-General prepared pursuant to Commission on Human Rights resolutions 1991/54 and 1991/55,

Having also considered the request made in Commission on Human Rights resolution 1992/74 to give the utmost priority to the re-elaboration of the draft programme,

Has consequently reformulated the draft programme of action on the basis of this information and report;

Reiterates its request to the Commission on Human Rights to authorize the appointment of a special rapporteur to update Mr. Bouhdiba's report on the exploitation of child labour and to extend that study to the problem of debt bondage;

Submits the draft programme of action as reformulated to the Sub-Commission for subsequent transmission to the Commission on Human Rights (see draft decision in annex I).

Eradication of debt bondage

The Working Group on Contemporary Forms of Slavery,

Takes note of the information on debt bondage provided by intergovernmental and non-governmental organizations and the constructive responses given by government observers;

Notes with appreciation that the International Labour Organisation will be holding a workshop on bonded labour, later in 1992;

Reiterates the recommendations contained in paragraphs 117 to 121 of the report on its fifteenth session (E/CN.4/Sub.2/1990/44);

Decides to keep this question under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

Slavery-like practices of apartheid and colonialism

The Working Group on Contemporary Forms of Slavery,

Reiterates its previous recommendation that under this agenda item more attention should be given at future sessions to the situation of vulnerable groups, particularly women and children;

Invites the International Labour Organisation to inform the Working Group of the results of the work of ILO bodies dealing with problems of employment and labour under the apartheid regime;

Decides to devote greater attention to ways and means to assist victims of apartheid in order to mitigate its consequences;

Child soldiers

The Working Group on Contemporary Forms of Slavery,

Expresses its concern that in many parts of the world children continue to take part in hostilities and are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

Decides to continue to give attention to this question at its eighteenth session.

Question of disappearances linked to contemporary forms of slavery

The Working Group on Contemporary Forms of Slavery,

Gravely concerned at the information received on the connection between trafficking in persons and enforced or involuntary disappearances,

Requests the Centre for Human Rights to transmit to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights information concerning disappearances submitted to the Working Group on Contemporary Forms of Slavery;

Requests the Working Group on Enforced or Involuntary Disappearances to pay increased attention to disappearances linked to contemporary forms of slavery;

Decides to include this question in the provisional agenda of its eighteenth session.

Prevention of traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Convinced that traffic in persons and prostitution are incompatible with the dignity and worth of the human person,

Considers it necessary to promote the implementation of international norms and standards against trafficking in persons and exploitation of the prostitution of others and to strengthen the mechanism of implementation of the 1949 Convention on this subject;

Convinced of the need for a concerted campaign against trafficking in persons and the exploitation of the prostitution of others to be given high priority within the United Nations system;

Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others, pursuant to Commission on Human Rights resolution 1992/36;

Requests the Secretary-General to convey the Working Group's grave concern with regard to sex tourism to the World Tourism Organization, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing this phenomenon, in particular when the prostitution of children is involved;

Recommends that Governments consider imposing advertising standards restricting advertisements encouraging sex tourism;

Decides to study during its forthcoming sessions the possibility of drawing up principles to be used as guidelines for national legislation to end sexual tourism and to request the active contribution and assistance of the World Tourism Organization for this purpose;

Urges States to introduce or reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

Notes with satisfaction that some States have established national bodies charged with the prevention of prostitution, recommends that such national bodies be established in all States in order to prevent prostitution and to assist in the rehabilitation and in the economic and social reintegration of victims of prostitution and decides to make suggestions for their appropriate organizational functioning;

Requests the Secretary-General to submit to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms information received by the Working Group on Contemporary Forms of Slavery regarding the situation of women forced to engage in prostitution during wartime;

Decides to seek information about and to study at its eighteenth session the relationships between traffic in persons, prostitution, drug trafficking and money laundering and international cooperation to combat these phenomena.

Machinery for monitoring the international Slavery Conventions

The Working Group on Contemporary Forms of Slavery,

Recalling Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery,

Taking note of Commission resolutions 1991/58 of 6 March 1991 and 1992/47 of 3 March 1992 in which the Commission encouraged the Sub-Commission, including the Working Group, again to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Slavery Conventions on the basis of the study prepared by the Secretary-General on that issue (E/CN.4/Sub.2/1989/37),

Recalling resolution 1982/15 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling also the recommendations of the Working Group adopted at its ninth, tenth and twelfth sessions,

Considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiesence by a State in such practices, irrespective of whether it has acceded to the Slavery Conventions, is a violation of basic human rights and thus constitutes a breach of jus cogens;

Recommends once again that the Secretary-General request the States parties to these Conventions to submit at regular intervals to the Sub-Commission reports on the situation in their countries, as provided for under the Conventions;

Requests the Secretary-General, when preparing his next report on the status and implementation of the Conventions on slavery and slavery-like practices, to include a list of States which have not yet signed, ratified or acceded to those instruments;

Also requests the Secretary-General to invite annually States which have not acceded to or have not ratified the Slavery Conventions to explain why they have not done so and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and that a similar invitation be extended to States which have not ratified the conventions on forced labour of the International Labour Organisation;

Decides to continue to consider such reports and information, placing emphasis on its activities in studying contemporary forms of slavery, and in so doing to appraise the progress which is being made towards the elimination of slavery;

Recommends that Governments be encouraged to avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

Expresses the hope that, in exceptional cases where serious allegations of slavery or slavery-like practices, supported by credible evidence, are submitted to the Working Group, the Government concerned would invite the Group to send a delegation to its territory in order to enter into a constructive dialogue;

Notes with appreciation that States were informed in advance of the likelihood that allegations of slavery or slavery-like practices would be raised during the sessions of the Working Group, and recommends that such information continue to be conveyed to States in order to facilitate their comments;

Decides to continue its study of ways and means of strengthening the machinery for monitoring the implementation of the Slavery Conventions.

Reservations to the Convention on the Elimination of All Forms of Discrimination against Women

The Working Group on Contemporary Forms of Slavery,

Recalls draft resolution L.49 presented to the Sub-Commission for transmittal to the Commission a proposal that it asks the Economic and Social Council to request the International Court of Justice to give an advisory opinion on the validity and the legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Sub-Commission decision 1991/115 to postpone the consideration of that proposal until its forty-fourth session, and invites the Sub-Commission to take a decision on the proposal in the light of replies from the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women.

Main themes for 1993

The Working Group on Contemporary Forms of Slavery,

Decides to reformulate its provisional agenda as contained in annex II;

Decides to revise at its eighteenth session the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of comments received pursuant to Commission on Human Rights resolution 1992/36, and to examine the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography in the light of information received from States, United Nations bodies, and intergovernmental and non-governmental organizations, as well as the consideration of any crucial, serious or urgent matters.

Also decides to continue to work by themes and to seek solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children.

United Nations Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Takes note with appreciation of General Assembly resolution 46/122 establishing the United Nations Trust Fund on Contemporary Forms of Slavery;

Recalls that the purposes of the Fund are, first, to assist representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

Calls for the immediate implementation of the above-mentioned resolution and appeals to all Governments to respond favourably to requests for contributions to the Fund.

Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Notes with appreciation that the Commission on Human Rights in its resolution 1992/115 decided to approve the possibility of organizing the session of the Working Group for eight working days during the months of April or May and recommends that such arrangements be repeated in subsequent years;

Notes with satisfaction that the secretariat prepared an annotated agenda for the last four sessions of the Working Group and recommends that this practice should be continued;

Requests the Secretary-General to seek the views and suggestions of member States and governmental organizations and non-governmental organizations on proposals for future Working Group action with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

Recommends also that the ILO supervisory bodies and the UNESCO Committee on Conventions and Recommendations give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

Requests the Secretary-General to transmit to the above-mentioned committees, the Special Rapporteurs concerned and the Working Group on Disappearances the recommendations of relevance to them and the report of the Working Group;

Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside of the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance, facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session;

Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session;

ANNEX I

Draft decision

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the draft programme of action for the elimination of the exploitation of child labour, reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolutions 1991/54 and 1992/74 decided to transmit the attached draft programme of action to the Commission on Human Rights."

Draft programme of action for the elimination of the exploitation of child labour

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious or degrading forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations or for enforced begging and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. Action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. Public and private institutions and agencies dealing with children who have been victims of labour exploitation should be encouraged to keep appropriate statistical information for scientific purposes, while respecting anonymity and confidentiality. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Education is one of the most effective measures to prevent child labour. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training,

in the form, for example, of a system of apprenticeship, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families, and in particular of women.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of the elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of International Labour Organisation Minimum Age Convention, 1973 (No. 138), States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law, as well as providing for the establishment of an effective labour inspection system. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959 and, more particularly:

(a) Principle 2, according to which

"The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...;"

(b) Principle 9, according to which

"The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

"1. States Parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

"2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over 40 countries have ratified International Labour Organisation Convention No. 138. Those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should adopt and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States should, until such time that child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control.

20. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Activities linked with prostitution, pornography and other forms of sexual trade and exploitation;

(f) Work concerned with trafficking in and production of illicit drugs;

(g) Work involving degrading or cruel treatment.

21. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

22. Member States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour either within or outside the family, to facilitate identification of cases of exploitation of child labour and to take measures necessary to eliminate it.

23. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat illiteracy and the phenomenon of school drop-outs; and, until such time that primary education is compulsory and available free to all, developing school programmes, including part-time education programmes, adapted to the needs of children who are not in school;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

24. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for economic and social development for the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

25. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation. Particular efforts should be made to stress the importance of family values.

Role of United Nations bodies and specialized agencies

26. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations bodies, in particular WHO, UNESCO and UNICEF, should develop and/or reinforce their activities in the field of child labour.

27. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

28. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

29. While the question of exploitation of child labour should primarily be dealt with by the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery should continue to have responsibility in this field.

30. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

31. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

32. The Secretary-General should invite all United Nations agencies and specialized agencies to attach greater importance to eliminating the exploitation of child labour and to study and discuss this issue at forthcoming international conferences, with special emphasis being placed on it at major conferences.

33. An international child welfare fund should be established. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of those children living in especially difficult circumstances, such as orphans and street children, refugees or displaced persons, victims of war and of natural and man-made disasters, including such perils as exposure to radiation and dangerous chemicals, children of migrant workers and other socially disadvantaged groups, child workers or youth trapped in the bondage of prostitution, sexual abuse and other forms of exploitation, disabled children and juvenile delinquents and victims of apartheid and foreign occupation. Such children deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation.

Cooperation at the local, national and international levels

34. Major steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers, trade unions and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations, as well as development and strengthening of existing norms.

35. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

36. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

37. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

38. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

39. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.

ANNEX II

Provisional agenda for the eighteenth session of the Working Group on Contemporary Forms of Slavery

1. Election of officers.

2. Adoption of the agenda.

3. Status and follow-up of the Conventions on slavery and slavery-like practices:

   (a) Status of Conventions;

   (b) Review of reports and information received on the status and implementation of Conventions;

   (c) Review of national legislation;

   (d) Review of means for establishing an effective mechanism for the implementation of Conventions.

4. Follow-up of recommendations adopted at previous sessions on:

   (a) Programme of Action for the Prevention of the Sale of children, child prostitution and child pornography;

   (b) Draft programme of action for the elimination of the exploitation of child labour and debt bondage;

   (c) Draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others;

   (d) United Nations Voluntary Trust Fund for Contemporary Forms of Slavery;

   (e) Follow-up of the mandate of the Special Rapporteur on children.

5. Review of developments in other fields of contemporary forms of slavery, including:

   (a) Slavery and the slave-trade;

   (b) Slavery-like practices of apartheid and colonialism;

   (c) Debt bondage;

   (d) Forced labour;

   (e) Exploitation and traffic in all its forms affecting children, including the phenomenon of child soldiers, illegal traffic for the purposes of adoption, organ transplants;

(f) Institutionalized sexual violence, including violence by officials;

(g) Incest;

(h) Sexual harassment, in particular in the workplace.

6. Development of national and international measures and strategies to prevent and eliminate contemporary forms of slavery:

(a) Elaboration of guidelines to protect minors, particularly children, from prostitution and pornography;

(b) Encouragement of the creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes;

(c) Campaign against disappearances linked to contemporary forms of slavery;

(d) Measures aimed at improving the situation of migrants and their families and at protecting them from all contemporary forms of slavery;

(e) Measures aimed at preventing sexual abuse and institutionalized sexual violence against vulnerable groups (prostitutes, migrants, refugees, detainees, etc.);

(f) Relationship between traffic in persons, prostitution, and drug trafficking and international cooperation to combat these phenomena;

(g) Measures aimed at putting an end to sexual tourism;

(h) Indemnification, reparation, and compensation of victims of slavery, slavery-like practices and other contemporary forms of slavery.

7. Adoption of the report of the Working Group to the Sub-Commission.

ANNEX III

Attendance

I. Members of the Working Group

Mr. Awn Shawkat Al-Khasawneh

Ms. M. Ferriol Echevarria

Ms. Fatma Zohra Ksentini

Mr. Ioan Maxim

Ms. Claire Palley

II. States Members of the United Nations represented by observers

Argentina	Mr. Ernesto Paz
Brazil	Mr. M. Pinta Gama
Canada	Mr. Alan H. Kessel
Chile	Mr. Pedro Oyarce
China	Mr. Sen PANG Mr. Wenhua WEI
Colombia	Ms. Ligia Galvis
Costa Rica	Mr. Jorge Rhenan Segura Mr. Javier Rodriguez
Democratic People's Republic of Korea	Mr. Pak Dok Hun
El Salvador	Mr. C.E. Mendoza Ms. B.F. Menjivar Marin
France	Ms. B. Le Fraper Du Hellen
Germany	Mr. Wolfgang Ohndorf
Haiti	Mr. Jeannot Hilaire
India	Mr. Debashish Chakravarti

Japan	Mr. Keiichi Aizawa
Kuwait	Mr. S. Al-Abdul-Razzag
Mexico	Ms. Erendira Paz Campos
Morocco	Mr. Mohammed Houroro
Myanmar	Ms. Daw Yin Yin Myint
Netherlands	Mr. Toine Van Dongen
Pakistan	Mr. Mohammad Younis Khan
Peru	Ms. R.E. Silva y Silva Mr. Fernando Quiros
Philippines	Mr. Hector K. Villarroel Ms. B. de Castro-Muller
Poland	Mr. Zdislaw Kedzia Mr. Jacek Tyszko
Portugal	Mr. José Gomes
Republic of Korea	Mr. Sung Lac Wi
Sweden	Ms. Annmarie Pennegard
Syria	Ms. Chaghaf Kayali Mr. H. Dawalibi
Thailand	Mr. Manasvi Srisodapol
Uruguay	Mr. Nelson Chaben
United States of America	Mr. John Cook Ms. Nance Styles Ms. Ramona Dunn

III. States non-Members of the United Nations represented by observers

Holy See	Rev. Père Raymond Roch

IV. Specialized agencies

International Labour Organisation	Mr. L. Swepston Mr. M.R. Kern Ms. Ancel-Lenners Mrs. C. Sottas

V. Intergovernmental organizations

International Criminal Police Organization	Ms. Sabine Manke

VI. Non-governmental organizations in consultative status

Category I

International Alliance of Women	Ms. Irmgard Rimondini Ms. Gudrun Haupter Ms. Karin Dohmen
Soroptimist International	Ms. U. Hemmerich Barter Ms. S. Heptonstall Ms. N. Klopfenstein
Zonta International	Ms. Danielle Bridel

Category II

Anti-Slavery International	Ms. Lesley Roberts Ms. Salem Mezhoud
Caritas Internationalis	Ms. Mary Tom
International Abolotionist Federation	Ms. Anima Basak Ms. Lucienne Droz Mr. José Dillensegger Ms. Jeannine Dillensegger Mr Henri Le Coz Ms. Raymonde Pledran
International Association of Democratic Lawyers	Ms. Renee Bridel Ms. Maite Pinero
International Catholic Child Bureau	Ms. Florence Bruce Ms. Maureen Seneviratne
International Commission of Jurists	Ms. Dilbur Parakh
International Council of Jewish Women	Ms. Leila Seigel
International Federation Terre des Hommes	Ms. E. Kadjar-Hamouda Ms. D. Mottier

International Federation of Women Lawyers	Ms. Helene Pfander
International Service for Human Rights	Ms. Kim Davis Ms. V. Murillo Herrera
Women's International League for Peace and Freedom	Ms. Alison Marks Ms. Amy Marks
World Federation of Methodist Women	Ms. Renate Bloem

Roster

International Educational Development, Inc.	Mr. Etsuro Totsuka

Other organizations

Mr. A. de Graaf Stichting	Mr. Jan Visser

ANNEX IV

Documentation

1. The Working Group had before it the following documents:

E/CN.4/Sub.2/AC.2/1992/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1992/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/1992/2	Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
E/CN.4/Sub.2/AC.2/1992/3	Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
E/CN.4/Sub.2/AC.2/1992/4 and Add. 1	Information received from States concerning the Slavery Convention, Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
E/CN.4/Sub.2/AC.2/1992/5	Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations
E/CN.4/Sub.2//AC.2/1992/6 and Add.1, 2 and 3	Information received from non-governmental organizations
E/CN.4/Sub.2/AC.2/1992/8	Report of the Strasbourg Seminar on Prostitution: Note by the Secretary-General

2. As reference documents, the Working Group referred to the following:

E/CN.4/Sub.2/479/Rev.1	Final report submitted by Abdelwahab Bouhdiba, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the exploitation of child labour
E/1983/7	Report of Mr. Jean Laurent, Special Rapporteur on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others

ST/HR/SER.A/18	Report of the Seminar on ways and means of achieving the elimination of the exploitation of child labour in all parts of the world
E/CN.4/Sub.2/1989/37	Study on ways and means for establishing an effective mechanism for the implementation of the slavery conventions, prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/35
E/CN.4/Sub.2/1989/39	Report of the Working Group on Contemporary Forms of Slavery at its fourteenth session
E/CN.4/Sub.2/1990/44	Report of the Working Group on Contemporary Forms of Slavery at its fifteenth session
E/CN.4/Sub.2/1990/43 and Add.1 and 2	Report of the Secretary-General prepared pursuant to resolution 1989/41 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/1991/18	Report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others
E/CN.4/Sub.2/1991/41 and Corr.1	Report of the Working Group on Contemporary Forms of Slavery at its sixteenth session
E/CN.4/1992/45	Report of the Secretary-General prepared pursuant to Commission on Human Rights resolutions 1991/54 and 1991/55
E/CN.4/1992/54	Note by the Secretary-General on the Status of the Convention on the Rights of the Child
E/CN.4/1992/55/and Add.1	Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur on the sale of children

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